

HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :7729 of 2007

Dated 16th April, 2007

Between

Belle Book Company, a partnership firm,
Rep. By its Managing Partner M.Narender Rao

...Petitioner

and

The Government of AP, Rep. By its Secretary,
Education Department (SE & TBP) Department,
Secretariat, Hyderabad, and, ors

...Respondent.

HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 7729 of 2007

ORDER:

The petitioner, a partnership firm engaged in the business of printing and distribution of textbooks, seeks Writ of Mandamus to declare the action of the respondents in not extending the dates for issuance and submission of the tender schedules as illegal and arbitrary.

The Director, A.P. Government Text Book Press, issued tender notification in proceedings Rc.No.6514/T3/2007, dated 17-3-2007 inviting sealed tenders from the reputed publishers for printing and supply of the sale component of nationalized Text Books. As per the said tender notification, tenders have to be submitted in two sealed covers, i.e. technical bids in Cover-I and price bids in cover-II. The last

date for issuance of tender schedules was 30-3-2007 and last date and time for submission of tender schedules was 31-3-2007 at 2.00 PM. The time and date of opening tender schedule in Cover-1 was 31-3-2007 at 3.00 PM. However, on 31-3-2007, as there were some representations expressing difficulty for deposit of EMDs in banks, dates were further extended. In the notification dated 30-3-2007 for extension of dates, which was published on 4-4-2007, the last date for issuance of the tender schedules was extended up to 6-4-2007 and submission of the same was extended up to 7-4-2007 at 2.00 PM. It is further stated in the said notification that tender schedules containing technical bids in cover-I will be opened on 7-4-2007 at 3.00 PM.

It is submitted by the learned Counsel appearing for the petitioner that though notification extending the time was issued on 30-3-2007, but however, the same was published on 4-4-2007 and 6-4-2007 was the last date for submission of the tender schedules. It is further submitted that 5-4-2007 and 6-4-2007 were being the public holidays, the respondents ought to have given reasonable time to purchase tender schedules and submit the same.

On the other hand, it is submitted by the learned Government Pleader appearing for the respondents that as much as before opening of the schools, they have to supply text books on or before 31-5-2007, there is urgency in the matter. It is further submitted that time was available to the petitioner to purchase tender schedules from 21-3-2007 and as he has not purchased the tender schedules, he cannot seek extension of time as a matter of right.

In this case, it is to be noticed that time was available to the petitioner to purchase the tender schedules pursuant to the tender

notification dated 17-3-2007 right from 21-3-2007. Even as per the notification dated 30-3-2007, which was published on 4-4-2007, the petitioner did not purchase the tender schedules. While it is true that 5-4-2007 and 6-4-2007 were public holidays, but however, there is no reason for the petitioner for not purchasing the tender schedules right from 21-3-2007. The last date for submission of the tender schedules was extended on the ground that there was no business transactions in the banks on 31-3-2007. Even on 4-4-2007, though there was time for purchasing the tender schedules, but the petitioner did not purchase the same. In that view of the matter, it cannot be said that the last date fixed for issuance of tender schedules as 6-4-2007 is illegal and arbitrary, which warrants interference by this Court in this petition filed under Article 226 of the Constitution of India.

The Writ Petition is devoid of merits and is accordingly dismissed at the admission stage. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 16-4-2007.
Msnr.